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Attorney for Plaintiffs,

9 ARMANDO SALGADO SR. and ARLINDA SALGADO

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**

12  
13 ARMANDO SALGADO SR., an individual, and  
14 ARLINDA SALGADO, an individual, and as  
15 successor in interest to deceased ARMANDO  
16 ADAM SALGADO,

17 Plaintiffs,

vs.

18 COUNTY OF SAN JOAQUIN; PATRICK  
19 WITHROW, an individual; FELIPE  
MENDOZA, an individual; and DOES 1 to 10,  
inclusive,

20 Defendants.

21 CASE NO.: 2:22-cv-01024-MCE-AC

22 **JOINT STIPULATION FOR AN ORDER  
TO CONTINUE INITIAL PRETRIAL  
SCHEDULING ORDER DATES;  
ORDER**

23 **IT IS HEREBY STIPULATED BY AND BETWEEN COUNSEL OF RECORD HEREIN:**

24  
25 Plaintiffs and Defendants by and through their respective counsels of record, hereby  
26 stipulate, agree, and represent to the Court as follows:

27 1. Whereas, the Complaint in this matter was filed on June 13, 2022;

1       2. Whereas, the Court issued an Initial Pretrial Scheduling Order on June 13, 2022,  
2 which states that “the Initial Pretrial Scheduling Order shall not be modified except by leave of  
3 court upon a showing of **good cause** (emphasis in original);”

4       3. Whereas, Plaintiffs’ counsel, Kevin O’Hara, is now scheduled to commence trial in  
5 the matter of *Juan Menjivar Castillo et al. v. Foster Dairy Farms, Inc. et al.* (STK-CV-UPI-2019-  
6 16283, San Joaquin County) on July 10, 2023, with a trial estimate of 4-6 weeks, rendering Mr.  
7 O’Hara unavailable for depositions and other matters in this case over that time frame. This case  
8 was not previously set for trial on July 10, 2023 (at the time of the Court’s Initial Pretrial  
9 Scheduling Order, or at the time Plaintiff’s counsel and Defense counsel met and conferred on  
10 dates). This case is a disputed liability event involving multiple collisions, multiple semi-trucks,  
11 multiple injured parties, multiple wrongful death claimants, and cross-actions.

12       4. Whereas, the parties have continued to engage diligently in fact discovery but  
13 there are remaining fact witness depositions to be taken, including but not limited to, the  
14 depositions of Armando Salgado Sr., Arlinda Salgado, Felipe Mendoza, and Patrick Withrow;

15       5. Whereas, Defendants are amenable to a brief continuance of the Initial Pretrial  
16 Scheduling dates and trial, subject to the Court’s approval, to accommodate Mr. O’Hara’s  
17 schedule and permit the parties to complete discovery in this matter;

18       6. Whereas, the parties met and conferred and respectfully request that the Court  
19 modify its Initial Pretrial Scheduling Order to continue all currently set dates by 90 days;

20       7. Whereas, a 90-day continuance will result in the following schedule:

Discovery Cutoff:	November 15, 2023
Expert Disclosure Deadline:	January 16, 2023
Rebuttal Expert Disclosure Deadline:	February 15, 2023
Expert Discovery Cutoff Deadline:	April 27, 2024
Dispositive Motion Filing Cutoff Deadline:	June 5, 2024
Pretrial Conference: To be scheduled within 3-4 weeks of trial	
Trial:	Not yet assigned

1       8. Whereas, the parties have made no prior requests for a continuance of the Initial  
2 Pretrial Scheduling Order dates;

3       9. Accordingly, the parties hereby stipulate, and respectfully request, that the Court  
4 continue all Initial Pretrial Scheduling Order dates by 90 days and schedule a Case Management  
5 Conference to set the Pretrial Conference and Trial thereafter.

6       Dated: July 7, 2023

LAW OFFICES OF VICKI I. SARMIENTO  
O'HARA LAW

8       /s/Vicki I. Sarmiento /s/Kevin O'Hara

9       VICKI I. SARMIENTO  
10      KEVIN O. O'HARA  
11      *Attorneys for Plaintiffs,*  
12      ARMANDO SALGADO SR., an individual, and ARLINDA  
13      SALGADO, an individual, and as successor in interest to  
14      deceased ARMANDO ADAM SALGADO

15      Dated: July 7, 2023

BURKE, WILLIAMS & SORENSEN, LLP

16      /s/Temitayo O. Peters

17      GREGORY B. THOMAS  
18      TEMITAYO O. PETERS  
19      *Attorneys for Defendants,*  
20      COUNTY OF SAN JOAQUIN; PATRICK WITHROW, an  
21      individual; and FELIPE MENDOZA, an individual

## **ORDER**

The Court having considered Plaintiffs and Defendants Joint Stipulation for an Order to Continue Initial Pretrial Scheduling Order Dates, IT IS HEREBY ORDERED THAT:

Discovery Cutoff: November 15, 2023

Expert Disclosure Deadline: **January 16, 2024**

Rebuttal Expert Disclosure Deadline: February 15, 2024

Expert Discovery Cutoff Deadline: April 27, 2024

Dispositive Motion Filing Cutoff Deadline: June 5, 2024

Pretrial Conference: To be scheduled within 3-4 weeks of trial

Trial: Not yet assigned

IT IS SO ORDERED.

Dated: July 11, 2023

MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE